

PROGRAM DESCRIPTION

The Disadvantaged Business Enterprise (DBE) and Emerging Small Business Enterprise (ESBE) Programs were created to support the participation of firms owned and controlled by socially and economically disadvantaged individuals and small business entrepreneurs in the Department's federally-assisted highway program.

These programs help ensure nondiscrimination in the award and administration of New Jersey's highway, transit and airport contracts that are funded with USDOT federal financial assistance. They also help to remove barriers preventing small, disadvantaged business participation and their successful competition in the marketplace.

Obtaining certification as a DBE or ESBE is a means of maximizing your firm's potential for subcontracting opportunities or special ESBE set-aside contracts.

The DBE Unit within the Division of Civil Rights and Affirmative Action provides the following services for potential DBE/ESBE firms:

- Certifies disadvantaged and emerging small business enterprises;
- Provides information and assistance to DBE's and the small business community on contracting opportunities and procedures;
- Publishes a monthly DBE Directory and Quarterly Newsletter;
- Meets with minority, women and contractor groups to foster communication and business development; and
- Conducts investigations of DBE fraud and misrepresentation.

Disadvantaged Business Enterprises

Eligibility Criteria

To obtain DBE certification and become eligible to meet DBE subcontracting goals on federally assisted contracts, applicant firms must meet the following criteria:

- The firm must be a small, for profit business;
- The firm must be at least 51% owned and controlled by socially and economically disadvantaged individual(s);
- The same socially and economically disadvantaged individual(s) must control the management and operations of the firm on a day-to-day basis;
and
- The socially and economically disadvantaged owner(s) must be citizens of the United States (or lawfully admitted permanent residents).

The following groups are presumed to be socially and economically disadvantaged by the federal government.

- Black Americans, which includes persons having origins in any of the black racial groups of Africa;
- Hispanic Americans, which includes persons of Mexican, Puerto Rican, Cuban, Dominican, Central or South America, or other Spanish or Portuguese culture or origin, regardless of race;
- Native Americans, which includes persons who are American Indians, Eskimos, Aleuts, or Native Hawaiians;
- Asian-Pacific Americans, which includes persons whose origins are from Japan, China, Taiwan, Korea, Burma (Myanmar), Vietnam, Laos, Cambodia (Kampuchea), Thailand, Malaysia, Indonesia, the Phillipines,

Brunei, Samoa, Guam, the U.S. Trust Territories of the Pacific Islands (Republic of Palau), the Commonwealth of the Northern Marianas Islands, Macao, Fiji, Tonga, Kiribati, Juvalu, Nauru, Federated States of Micronesia, or Hong Kong;

- Subcontinent Asian Americans, which includes persons whose origins are from India, Pakistan, Bangladesh, Bhutan, the Maldives Islands, Nepal or Sri Lanka;
- Any additional groups whose members are designated as economically and socially disadvantaged by the Small Business Administration at such time as the SBA designation becomes effective;
- Any individual who is determined to be socially and economically disadvantaged on a case-by-case basis;
- Women, regardless of race.

Emerging Small Business Enterprises (ESBE)

NJDOT's Emerging Small Business Enterprise (ESBE) Program is a race and gender neutral program designed to provide select contracting opportunities to small, economically disadvantaged businesses. This program runs concurrently with our Disadvantaged Business Enterprise (DBE) Program on federally-funded projects.

The NJDOT developed the ESBE Program to comply with regulations issued by the USDOT in 49 CFR Part 26 which require state DOT's to attempt to meet the maximum portion of their DBE goal by using race and gender neutral means. Our ESBE Program is implemented using the same eligibility criteria as the DBE Program with the exception of the criteria requiring the owner to be socially disadvantaged. If your firm is certified as a DBE, you have already undergone the financial review needed for ESBE certification; consequently, your firm will be certified under the ESBE Program.

2. BECOMING CERTIFIED

To obtain certification as a DBE with NJDOT, you must first complete the Uniform Certification Application issued by the USDOT. This application is used nation-wide by all State DOT's and a copy may be obtained from the NJDOT Division of Civil Rights and Affirmative Action, DBE Unit, at (609) 530-3882 or you can retrieve it from the NJDOT website at <http://www.state.nj.us/transportation/business/civilrights/forms.shtm>.

Additionally, the USDOT and US Small Business Administration have entered into a Memorandum of Understanding and have agreed to accept each other's applications. If you have completed a recent application for the SBA's 8(a)BD or SDB programs and wish to apply to us or another state DOT for DBE certification, you may request the SBA (in writing) to forward a copy of your application to us.

Once a completed application has been received by the DBE Unit, it is assigned to a certification specialist for review. The certification specialist will contact you for any additional information needed and/or to arrange an appointment to meet with you at your firm's place of business (*on-site review*).

An eligibility determination will not be made until both the desk audit review of your application and the onsite review has been conducted. Both reviews are mandatory. The desk audit review includes a thorough review and evaluation of your application including the ownership, financial and managerial documents you provide to support your status as a disadvantaged business. During the onsite review, the disadvantaged owner(s) will be interviewed concerning the firm's operations.

The process for ESBE certification is essentially the same; however, the ESBE Application is used. An ESBE application is available by calling the Division of Civil Rights and Affirmative Action at 609/530-3882. You may also obtain the application at NJDOT's Civil Rights website at <http://www.state.nj.us/transportation/business/civilrights/forms.shtm>.

Annual Renewal

Your firm's certification will remain in effect for three years provided you continue to meet the criteria established by federal regulations. However, every year you must complete a "no change" affidavit which is a sworn statement regarding the ownership and structure of your firm. As part of the annual renewal process, you will also be required to submit updated financial information.

3. PRE-QUALIFICATION

Prequalification as a contractor or consultant involves an evaluation and rating of your firm's capabilities and experience for the type of work for which you are applying. You may start the prequalification process at any time; you do not need to wait for your DBE/ESBE certification.

Contractor Pre-qualification

Prequalification is the review process through which contractors become eligible to bid on highway and bridge projects as the prime contractor. Prequalification establishes the kind of work and the amount of work a firm can perform on NJDOT projects. The review process evaluates the firm's financial resources, experience of the personnel, past performance record and experience.

All construction contractors interested in bidding as a prime contractor must be pre-qualified. Construction contractors bidding in a subcontracting capacity of \$1M or more must also be pre-qualified. Subcontractors, who do not intend to bid on contracts in excess of \$1M, need not be pre-qualified (except Landscapers who must be pre-qualified regardless of the contract dollar amount). For more information, or to obtain a Contractor's Financial & Equipment Statement, (Form DC-74A), please contact the Bureau of Construction Services at (609) 530-2103, or you can find additional information on NJDOT's Construction Services website at <http://www.state.nj.us/transportation/business/procurement/ConstrServ/prequalrequire.shtm>. You may also download the form from the same web site listed above.

Professional Services Pre-qualification

All consulting firms interested in performing work as the prime consultant must be pre-qualified and cost basis approved by the Bureau of Professional Services prior to performing any type of professional work. If you intend to act only as a Sub-consultant, your firm does not have to be fully pre-qualified, but does have to be cost-basis approved. The Bureau of Professional Services is responsible for the prequalification of professional consulting firms. They review and maintain portfolios submitted by professional services firms, capability questionnaires, evaluation and wage rate systems and also the consultant listings. Lists of pre-qualified and cost-basis approved firms are displayed on the NJDOT procurement website.

There are over 60 consultant disciplines; however, most contracts are issued in the areas of research & development, planning studies, environmental projects, right-of-way appraisals, highway and bridge design, bridge and construction inspections.

For additional information on consultant prequalification, please contact the Division of Professional Services at (609) 530-2452.

4. SERVICES

DBE Directory

Upon certification, your company will be listed in NJDOT's Directory of Certified Disadvantaged Business and Emerging Small Business Enterprises. Our Directory lists company names, addresses, telephone numbers, contact persons, certification expiration dates and work classification(s) of certified DBE/ESBE firms. The directory is updated monthly and is a valuable tool for prime contractors and consultants seeking to achieve their subcontracting goals or targets. The Directory is also a resource for other governmental agencies that accept or require NJDOT certification. Copies of the directory can be obtained by calling the Division of Civil Rights and Affirmative Action, DBE Unit at (609) 530-3882.

Bid Advertisements

Notices of Bid Advertisements are sent to all NJDOT Certified DBE/ESBE firms free of charge. All of the above information concerning current and planned advertisements, bid openings and awards and pre-qualification of contractors and consultants, can be obtained on NJDOT's Construction Services website at <http://www.state.nj.us/transportation/business/procurement/ConstrServ/prequalrequire.shtm>.

One to two weeks after a Bid Advertisement is published, firms may contact the Bureau of Construction Services to obtain names of the eligible bidders who have purchased plans and specifications for advertised projects.

Plan Review Locations

Plans can be purchased only at the Trenton Headquarters, but can be reviewed at all four regional sites. Plan rooms are located at the following locations:

North Region

Mt. Arlington

Regional Construction Engineer

(973) 770-5145

Central Region

Freehold

Regional Construction Engineer

(732) 308-4025

South Region

Cherry Hill

Regional Construction Engineer

(856) 486-6615

Trenton Headquarters

NJDOT

Ewing Township

Trenton

(609) 530-8585 or 8584

For more information please call the Bureau of Construction Services at (609) 530-2103.

Specification Manual

The 2001 Standard Specification for Roads and Bridges Construction Book is available from the plan rooms listed on the prior page by phoning or by going online. The cost is \$25 if you obtain your copy at the plan room.

You may order a book by phone at (609) 530-5587. The cost is \$25 plus mailing charges for phone orders. Please note that supplementary specifications for each project are included with each set of plans purchased.

You can also log onto NJDOT's Engineering website at <http://www.state.nj.us/transportation/eng/specs/> to review the Standard Specifications.

Other DBE Certifying Agencies

New Jersey Transit Corporation
Small Business Development Programs
One Penn Plaza East
Newark, NJ 07105-2246
(973) 491-8065

The Port Authority of NY/NJ
Office of Business and Job Opportunity
Legal Center
Newark, NJ 07102
(973) 565-5534

For more information, contact:

**NJDOT/Division of Civil Rights and
Affirmative Action**

DBE Unit

1035 Parkway Avenue

P.O. Box 600

Trenton, NJ 08625-0600

Or call 609/530-3882

Fax: 609/530-4030